

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CRIMINAL ACTION NO. 16-10350-RGS

UNITED STATES OF AMERICA

v.

JUAN ULFANY MATEO SOTO

MEMORANDUM AND ORDER ON DEFENDANT'S
MOTION FOR REVIEW
OF THE MAGISTRATE JUDGE'S DETENTION ORDER

September 20, 2017

STEARNS, D.J.

Having reviewed Magistrate Judge Hennessy's Order (Dkt #184), the defendant's motion (Dkt #187) and the government's opposition (Dkt #188), the motion will be DENIED without a hearing. The fact that defendant is presently the subject of an ICE detainer as a removable alien for all practical purposes concludes the matter. The release of defendant from custody under any set of conditions would be a futile gesture as he would be taken immediately into custody by ICE (and might possibly be deported before the pending criminal indictment can be resolved). If more need be said, I agree with the government that defendant offers nothing that was not (or could not have been) presented to the Magistrate Judge at the original detention

hearing.¹ See 18 U.S.C. §3142(f)(2)(B). As the Magistrate Judge rightly concluded, defendant's offer of third-party collateral to insure his appearance for trial, even if it mitigates any risk of flight, does not address the community safety ground on which the detention order was alternatively based.

ORDER

For the foregoing reasons, the motion to reopen the detention hearing or, in the alternative, to revoke the Order of Detention is DENIED.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

¹ As Magistrate Judge Hennessey points out in his Order, defendant is technically appealing his decision refusing to reopen the original detention hearing, and not the detention order itself.